

# **Meeting Minutes of the City of Milpitas Campaign Finance Reform Committee**

**MONDAY, JUNE 15, 2015**

**6:00 PM**

Milpitas City Hall, Committee Room, 1<sup>st</sup> floor  
455 E. Calaveras Boulevard, Milpitas, CA

## **CALL TO ORDER**

Chair Althea Polanski called the meeting to order at 6:03 PM.

## **ROLL CALL**

Committee Members present were Althea Polanski, Bill Ferguson, Marty Riker, Syed Mohsin, Bob Nunez and Rajeev Madnawat

Committee members absent were: Lokesh Krishnarajpet, Martha Lamdin and Rohit Sharma

## **AGENDA**

Agenda for this meeting was approved by unanimous agreement of the Committee.

## **MINUTES**

Meeting Minutes of May 18, 2015 were approved with corrections noting who was present and absent at that meeting. Syed Mohsin moved approval, seconded by Rajeev Madnawat, and approved by unanimous vote of the Committee.

## **PUBLIC FORUM**

None

## **DISCUSSION**

Chair Polanski asked the City Attorney to review his June 11, 2015 memo to Committee members to bring everyone up to date, prior to discussing recommendations to City Council.

Mr. Ogaz did not recommend having any mandatory expenditure limits. Voluntary expenditure limits were acceptable, within certain parameters. He quoted state and federal law cases on these subjects. The City of Milpitas already had a \$250 contribution limit, as a less restrictive way to place a limit versus disbursement limits. Any regulation must be based on stopping corruption or perception of that.

Regarding the suggestion to have time limitations on when fundraising could occur: this was previously in existence in Milpitas, but a previous City Attorney in 2002 deemed those limits as not acceptable. Analysis to support these limitations must be clear, with justification to limit corruption, for example.

Bill Ferguson commented that it was unfair for elected officials to hold big fundraisers all year long, while candidates could only get going near election time.

Rajeev Madnawat suggested that maybe there could be additional, e.g. monthly, filing of campaign reporting information.

Mike Ogaz noted that the FPPC required reporting was the baseline, and a local jurisdiction could add more requirements on filing the campaign committee reports. It is possible to layer city ordinances on top of FPPC requirements – that is permissible, he said.

Rajeev Madnawat suggested requiring candidates to provide more information than is on the form, as reported to the City now.

Chair Polanski said they might consider then additional disclosure information or more frequent filings of campaign reports. For example, quarterly filing of committee reports and providing more information through the press.

Rajeev Madnawat asked if a fee could be imposed for additional filing of reports.

Mike Ogaz replied an analysis would have to be supportable, such as to prevent corruption, for imposition of further regulation of campaign donations.

The committee members had conversation about the local elections, and that campaign issues were not discussed all year long. They were only happening now due to establishment of committees. Maybe all year long there was some need to have a watch-dog group.

Mike Ogaz suggested that contributions from contractors could have some limitations placed on them (per his memo) in reply to Chair Polanski. Penalties should not be so punitive that people would be afraid to run for office, i.e. those cannot be too onerous.

Marty Riker inquired about the idea of disclosing knowledge of a contract with the City. The City Attorney said it could be added to disclosure required of Councilmembers presently.

Chair Polanski asked the group to then review the chart of Recommendations (one page document she distributed), and try to come to agreement on those or scratch some.

Marty Riker felt he needed support for reasoning why to do the first one on the list – voluntary cap. He mentioned the group could consider having “\*” next to the name of those candidates who accepted the voluntary expenditure cap.

Further discussion was held on the ad in the newspaper (with listing of contributors of \$100 or more to candidates, prior to Election Day) and when it was effective. Althea Polanski responded to Rajeev Madnawat about availability of campaign reports beyond what was on the City website. Maybe an additional ad or a Press Release could be helpful.

Bill Ferguson recommended giving license to users for Acrobat software to complete forms, typed vs. many of which were still handwritten.

Chair Polanski suggested having to report out additionally during the fall election time, more than presently required. She gave a couple of examples.

The currently required ad in the newspaper was recommended to be increased for publication twice, once in September then again following the second reporting in October. This would be more information earlier than the one ad published to date on the Friday prior to Election Day.

Bill Ferguson suggested that penalties could be imposed if a person went over the voluntary contribution limit, and then the City would send a letter to return any contributions over the cap within 15 days, or else three times the overage as penalty would be charged to candidate. These funds would go to the city's General Fund.

Chair Polanski inquired if only donors were considered, but not the loans from the candidate to the committee. Return the overage to donors in reverse order, back to the contribution limit, she suggested.

The group discussed not allowing contributions after Election Day, except from the candidate or spouse. Also, perhaps they should have to terminate the campaign committee within 90 days post-election.

One idea was to set \$25.00 as a threshold for reporting information on Schedule A, where FPPC now requires it at \$100 minimum.

Another idea was for restriction on contributions from those who are officers of a company or the company itself with projects pending before City Council. Six months prior to election, there should be a restriction if contracts were pending. If contracts were over \$1000, contributions could be prohibited for six months prior to election. The idea was whittled to \$50,000 or higher value contracts, then contributions would be prohibited, applying to contracts approved by City Council or maybe those for \$50,000 or more. The City Attorney asked the time frame for when this would apply, and when the contract was agreed upon. Some suggested for 12 months, prior to election day.

On the concept of having district elections instead of City wide elections, Mr. Ogaz suggested the City could survey the public about having district elections. Getting more input from the public would be useful to provide a recommendation to City Council.

Regarding independent expenditure committees, any restrictions on those was very limited, so he could not recommend anything in this area, the City Attorney said.

Chair Polanski asked the Committee if anyone had any other important ideas to discuss next time. No additional topics were mentioned.

The next meeting was determined to be Monday, August 17, due to vacation schedules throughout July. So no meeting in July was planned.

The Chair described the following topics for that meeting: identifying any stricter disclosures for Independent Expenditure committees; more clarification on contracts with the City (dates made and possible prohibition on contributions); find out from Registrar of Voters about putting a \* on ballots; justification for limiting election contributions to a six-month timeframe; and providing all with a revised matrix of recommendations for City Council from the Chair.

The Committee meeting was adjourned at 8:11 PM.

*Meeting minutes prepared  
by Mary Lavelle, City Clerk*